

REMARKS

The claims are finally rejected under Section 103. Applicants propose the above amendment and urge that the amendment be entered for reasons stated herein. However, if the Examiner refuses entry, argument is also provided to establish that the claims as presented prior to this amendment are patentable over the Examiner's new combination of Kuchlin in view of XML 1.0.

In this regard, applicants urge that the outstanding rejection does not address all of the features recited in independent claim 31. That is, claim 31 recites both "a first connection to the Internet" and a second connection to the Internet via the transport layer directly accessible by the industrial automation system" so that the automation device is accessible both: "from the Internet via the first connection" and "from the transport layer via the second connection." This structure is fully described for two exemplary embodiments (see Figs 4 and 5 of the application) at P[0026] to [0028].

Applicants respectfully request allowance of claim 31 because the Kuchlin reference is not seen to provide the above-quoted subject matter. If the Examiner disagrees it is incumbent upon the Examiner to provide specific citations in support thereof in an advisory action.

Claim 11 as now proposed most fully distinguishes over the Examiner's combination because it now requires, among other features, that the

"third software module providing an automation functionality to control the automation device and having an interface to the real-time operating system, the functionality including ability to execute control tasks which would otherwise be executed by standalone stored program controls, wherein the functionality of the third module, including execution of the control tasks, is loaded, configured, started and terminated by the web server ..."

It is submitted that this amendment to claim 11 does not introduce new subject matter because it contains, albeit in more detail than previously recited, subject matter searched with respect to previously canceled claim 27. Claim 27 recited that the web browser is used as a control and monitoring system. The initial office action cited pars 4.1 and 4.23 of Kuchlin as disclosing such, but applicants do not find the subject matter therein. Nonetheless, to most

clearly distinguish over the prior art, claim 1 now incorporates the above-quoted language regarding the third software module, which language is consistent with the language of canceled claim 27.

Claims 34 and 35 (now added) depend from claims 11 and 14 to define features similar to those presented in claim 31. If the Examiner agrees these features present allowable subject matter applicants offer to present one or both of these claims in independent form, incorporating limitations found in all of the claims from which they each depend.

Conclusion

For the above reasons the proposed amendment overcomes the final rejections. Furthermore, argument has been presented to provide reasons as to why the Examiner should allow at least some of the claims without entry of this amendment.

For the foregoing reasons, it is respectfully submitted that the amendment should be entered and that the rejections set forth in the outstanding Final Office Action are overcome or inapplicable to the present claims. Please grant any extensions of time required to enter this paper. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 9/17/08

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